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Of Counsel  
James R. LaVaute  
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**Blitman**

Attorneys and Counsel  
Syracuse • Rochester •

bklawyers

May 3, 2023

dekornfeld@bkl

Plaintiffs' request for a conference to discuss the consolidation of this case is DENIED.

The Clerk of Court is respectfully directed to terminate the motion sequence pending at Doc. 53.

**SO ORDERED.**



Philip M. Halpern  
United States District Judge

Dated: White Plains, New York  
May 3, 2023

**VIA ELECTRONIC  
FILING AND  
REGULAR MAIL**

The Honorable Philip M. Halpern  
United States District Court Judge  
Federal Building and U.S. Courthouse  
300 Quarropas Street, Courtroom 520  
White Plains, New York 10601-4150

**Re: Teamsters Local 456 Pension Fund, et al. v. PCI Industries Corp., et al.,  
Civil Action No.: 7:21-cv-09316 (PMH/JCM)**

Dear Judge Halpern:

As you may recall, this firm represents Plaintiffs concerning the above referenced case before the United States District Court for the Southern District of New York. This letter requests a conference with the Court in accordance with the Order entered on March 1, 2023 [ Docket No. 52 ]. A copy of the Order is enclosed for your convenience.

Since the hearing on February 28, 2023, the parties have tried to resolve the dispute concerning contributions and deductions owed to these multiemployer plans. When these efforts failed, the Funds requested that their auditors review the employer's books and records to see if that could resolve the dispute. On April 4, 2023, the auditors issued the attached reports, and the Funds provided the reports to the employer on the same day. Since then, I have had telephone conferences and e-mail messages with counsel for Defendants, but we have been unable to resolve the dispute. Accordingly, the Funds commenced a second lawsuit concerning the contributions, deductions, and other amounts owed to Plaintiffs as described in the audit reports.

With this letter, Plaintiffs request a conference with the Court to discuss the consolidation of the cases. Rule 42 of the Federal Rules of Civil Procedure provides generally that the courts consider (i) the convenience and economy of the time relating to the parties or their witnesses, (ii) the convenience and economy of the Court, (iii) the possibility that by a determination of one issue the trial of other issues would be avoided, (iv) the degree of repetition that might be involved in determining the cases separately, (v) whether both cases would be determinable by a jury or whether one would be a matter solely within the cognizance of the Court, and (vi) whether the trying of the cases together would necessarily



May 3, 2023

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work prejudice against one or the other of the parties, which could not be avoided by proper instructions. *See Larsen v. Powell*, 16 F.R.D. 322, 323 (D. Colo. 1954). Pursuant to these standards, motions to consolidate should be granted to avoid repetitious actions and for the convenience of the parties and the Court absent prejudice to a party opposing the motion. *See e.g., Hannah v. Wal-Mart Stores, Inc.*, 2015 U.S. DIST LEXIS 78306, \*17 (D. Conn. June 17, 2015); *Jenkins v. Gaylord Entm't Co.*, 840 F. Supp. 2d 873, 884 (D. Md. 2012).

Considering the facts and circumstances of both cases, the need to avoid duplicative proceedings, the convenience of the parties as well as the Court, and the absence of any prejudice to the other parties to the actions, Plaintiffs respectfully request a conference with the District Court to discuss the consolidation of these cases. Moreover, with this letter, I confirm that I conferred with counsel for Defendants on April 10, 19, and 27, 2023 about this request for about half an hour. Despite these conferences, the parties were unable to resolve the dispute. Accordingly, we respectfully request a telephone conference with the Court pursuant to the enclosed order.

Thank you for your consideration of this request.

Respectfully submitted,

**BLITMAN & KING LLP**

A handwritten signature in black ink, appearing to read "Daniel Kornfeld".

Daniel Kornfeld

DEK/tss

Encl.

cc: Brenda Ritch, Fund Administrator (w/ encl.)  
Teamster Local 456 Funds  
160 South Central Ave.  
Elmsford, New York 10523

Mr. Clifford Greene, Esq. (w/ encl.)  
700 White Plains Post Road, Suite 309  
Scarsdale, New York 10583



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TEAMSTERS LOCAL 456 PENSION, HEALTH  
& WELFARE, ANNUITY, EDUCATION &  
TRAINING, INDUSTRY ADVANCEMENT,  
AND LEGAL SERVICES FUNDS by Louis A.  
Picani, Joseph Sansone, Dominick Cassanelli, Jr.,  
Ross Pepe, and Jeffrey Isaacs as Trustees and  
fiduciaries of the Funds, and WESTCHESTER  
TEAMSTERS LOCAL UNION NO. 456,

Plaintiffs,

-against-

PCI INDUSTRIES CORP. and ROBERT  
PERSICO, Individually,

Defendants.

**ORDER**

21-CV-09316 (PMH)

PHILIP M. HALPERN, United States District Judge:

The Court held an in-person conference on February 28, 2023 regarding Plaintiffs' Motion for Entry of a Judgment by Confession (Doc. 45), as discussed in further detail on the record:

1. Plaintiffs represented to the Court that they are withdrawing their Motion for Entry of a Judgment by Confession. The Clerk of Court is directed to terminate the motion sequence pending at Doc. 45.
2. Plaintiffs shall not renew their Motion for Entry of a Judgment by Confession or otherwise seek relief or enforcement of the Order on the Stipulation of Conditional Discontinuance entered by this Court on August 29, 2022 (Doc. 36, hereafter, "Settlement Agreement") without first meeting and conferring with Defendants' counsel. Plaintiffs shall file a letter requesting a pre-motion conference before seeking any relief concerning or enforcement of the Settlement Agreement. Plaintiffs shall certify in their pre-motion conference letter that the parties have met

and conferred, identifying the date and amount of time spent. Defendants shall file a response to Plaintiffs' pre-motion letter within three (3) days of any such letter being filed.

3. Plaintiffs may not seek relief concerning or the enforcement of the terms and conditions of the Settlement Agreement based upon the amount of any future contribution obligations of Defendants to Plaintiffs.

**SO ORDERED.**

Dated: White Plains, New York  
February 28, 2023



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PHILIP M. HALPERN  
United States District Judge

**INDEPENDENT ACCOUNTANTS' REPORT  
ON APPLYING AGREED-UPON PROCEDURES**

Board of Trustees  
c/o Brenda Ritch  
Teamsters Local 456  
Allied Benefit Funds  
160 S Central Avenue  
Elmsford, NY 10523

Re: Payroll Compliance Examination:  
Employer Name: PCI Industries Corp.  
Employer No.: 31071, 31001  
Examination No.: 23-456-01  
Period: January 1, 2021 through February 26, 2023

We have performed the procedures enumerated, which were agreed to by the management of the Local 456 Benefit Funds (the "Funds"), solely to assist you with respect to determining whether employer contributions provided by the referenced employer (the "Employer") of Funds' participants for the period referred to above were made in accordance with collective bargaining agreements. The management of the Funds is responsible for the collection of employer contributions. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of the procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose of which this report has been requested or for any other purpose.

- A. **Procedure:** Gross wages reported in Employers payroll records were compared to federal and state payroll tax filings. Any discrepancies will be reported.

**Finding:** See attached report for discrepancies, if any.

- B. **Procedure:** Employer's records will be read to ascertain that all employees performing covered employment were reported in remittance reports. All discrepancies will be reported.

**Finding:** See attached report for discrepancies, if any.

- C. **Procedure:** Total hours worked/(paid) by/(to) each employee in covered employment were compared to total hours reported to the Funds for each employee. All discrepancies will be reported.

**Finding:** See attached report for discrepancies, if any.



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- D. **Procedure:** Applicable collective bargaining agreements were read to ensure appropriate contribution rates were applied to remittances. All discrepancies will be reported.

**Finding:** See attached report for discrepancies, if any.

- E. **Procedure:** Employer's cash disbursement journal and tax return was analyzed for non-payroll disbursements to covered employees and any transfers to related entities.

**Finding:** See attached report for discrepancies, if any.

- F. **Procedure:** If any of the above procedures result in any indication that an affiliated company has employed persons who perform the same type of work as employees of the signatory employer or any part of a group of trades or businesses "under common control", we will request the books and records of the affiliate and perform agreed-upon procedures and report our findings.

**Finding:** See attached report for discrepancies, if any.

We were not engaged to and did not conduct an audit, the objective of which would be the expression of an opinion on whether Employers remitted contributions to the Funds in accordance with the various collective bargaining agreements. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the Funds, and is not intended and should not be used by anyone other than those specified parties.

*Wagner & Zwerman LLP*

WAGNER & ZWERMAN LLP  
Certified Public Accountants

REPORT DATE: March 30, 2023  
ISSUE DATE: April 3, 2023

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**WESTCHESTER TEAMSTERS LOCAL 456 BENEFIT FUNDS  
AGREED UPON PROCEDURES REPORT**

EMPLOYER: PCI Industries Corp.  
ADDRESS: 550 Franklin Avenue  
Mt. Vernon, NY 10550  
PHONE #: 914-665-4700  
Contact Person: Peggie Hommel  
Shop #: 31071

Exam Date: 3/21/2023  
Contract Type: GF  
Type of Payroll: In-House  
Report Date: 3/30/2023  
Examiner: Adam Novick  
Examination #: 23-456-01

**EXAMINATION PERIOD: 1/1/2021- 12/31/2021**

FUNDS	BENEFITS DUE	ADDITIONAL FUNDS	BENEFITS DUE
PENSION	\$1,769.04	POLITICAL ACTION	\$21.60
HEALTH & WELFARE	\$3,334.68	INDUSTRY ADVANCEMENT	\$128.63
LEGAL	\$43.20	DUES	\$449.48
EDUCATION & TRAINING	\$54.00	LABOR MANAGEMENT	\$10.80
S.U.B.	\$132.15		
ANNUITY	\$2,080.80		
TARGET	\$202.50		
BENEFITS DUE SUBJECT TO INTEREST CHARGES	\$7,616.37		
		ADDITIONAL BENEFITS DUE**	\$610.50
SUBTOTAL	\$7,616.37		
ADDITIONAL BENEFITS DUE**	\$610.50		
TOTAL BENEFITS	\$8,226.87		
INTEREST @ 9.75% PER ANNUM :	\$ 1,193.83		
TOTAL BENEFITS PLUS INTEREST:	\$9,420.70		

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T 516.364.3390  
T 212.302.6000

**WESTCHESTER TEAMSTERS LOCAL 456 BENEFIT FUNDS  
CLAIM WORKSHEET**

**EMPLOYER :** PCI INDUSTRIES INC.  
**EXAMINATION YEAR:** 2021 **GF**

**PERIOD:** JAN-JUNE 2021

**SCHEDULE OF UNREPORTED HOURS :**

<u>FUNDS</u>	<u>HOURS</u>	<u>RATE</u>	<u>AMOUNT DUE</u>
PENSION	90.00	\$8.19	\$737.10
HEALTH & WELFARE	98.00	\$14.13	\$1,384.74
LEGAL	90.00	\$0.20	\$18.00
POLITICAL ACTION	90.00	\$0.10	\$9.00
EDUCATION & TRAINING	90.00	\$0.25	\$22.50
S.U.B.	99.00	\$0.25	\$24.75
DUES	99.00	\$1.15	\$113.85
INDUSTRY ADVANCEMENT	99.00	\$0.35	\$34.65
ANNUITY	90.00	\$9.05	\$814.50
LABOR MANAGEMENT	90.00	\$0.05	\$4.50
TARGET	90.00	\$0.50	\$45.00
			\$3,208.59



**WESTCHESTER TEAMSTERS LOCAL 456 BENEFIT FUNDS  
CLAIM WORKSHEET**

EMPLOYER :                PCI INDUSTRIES INC.  
 EXAMINATION YEAR: 2021                                GF  
 PERIOD:                        JULY -DECEMBER 2021

**SCHEDULE OF UNREPORTED HOURS :**

FUNDS	HOURS	RATE	AMOUNT DUE
PENSION	126.00	\$8.19	\$1,031.94
HEALTH & WELFARE	138.00	\$14.13	\$1,949.94
LEGAL	126.00	\$0.20	\$25.20
POLITICAL ACTION	126.00	\$0.10	\$12.60
EDUCATION & TRAINING	126.00	\$0.25	\$31.50
S.U.B.	268.50	\$0.40	\$107.40
DUES	268.50	\$1.25	\$335.63
INDUSTRY ADVANCEMENT	268.50	\$0.35	\$93.98
ANNUITY	126.00	\$10.05	\$1,266.30
LABOR MANAGEMENT	126.00	\$0.05	\$6.30
TARGET	126.00	\$1.25	\$157.50
			\$5,018.28

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**WESTCHESTER TEAMSTERS LOCAL 456 BENEFIT FUNDS  
AGREED UPON PROCEDURES REPORT**

EMPLOYER: PCI Industries Corp.  
ADDRESS: 550 Franklin Avenue  
Mt. Vernon, NY 10550  
PHONE #: 914-665-4700  
Contact Person: Peggie Hommel  
Shop # 31071

Exam Date: 3/21/2023  
Contract Type: GF  
Type of Payroll: In-House  
Report Date: 3/30/2023  
Examiner: Adam Novick  
Examination # 23-456-01

**EXAMINATION PERIOD: 1/1/2022- 12/31/2022**

FUNDS	BENEFITS DUE	ADDITIONAL FUNDS	BENEFITS DUE
PENSION	\$2,944.31	POLITICAL ACTION	\$35.95
HEALTH & WELFARE	\$5,765.04	INDUSTRY ADVANCEMENT	\$201.25
LEGAL	\$71.90	DUES	\$1,135.75
EDUCATION & TRAINING	\$89.88	LABOR MANAGEMENT	\$17.98
S.U.B.	\$375.95		
ANNUITY	\$3,746.98		
TARGET	\$516.38		
BENEFITS DUE SUBJECT TO INTEREST CHARGES	\$13,510.42		
		ADDITIONAL BENEFITS DUE**	\$1,390.93
SUBTOTAL	\$13,510.42		
ADDITIONAL BENEFITS DUE**	\$1,390.93		
TOTAL BENEFITS	\$14,901.35		
INTEREST @ 9.75% PER ANNUM :	\$ 537.24		
TOTAL BENEFITS PLUS INTEREST:	\$15,438.59		

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**WESTCHESTER TEAMSTERS LOCAL 456 BENEFIT FUNDS  
CLAIM WORKSHEET**

EMPLOYER :           PCI INDUSTRIES INC.  
EXAMINATION YEAR: :2022                   GF  
PERIOD:               JANUARY 2022 -JUNE 2022

**SCHEDULE OF UNREPORTED HOURS :**

FUNDS	HOURS	RATE	AMOUNT DUE
PENSION	91.50	\$8.19	\$749.39
HEALTH & WELFARE	105.00	\$14.13	\$1,483.65
LEGAL	91.50	\$0.20	\$18.30
POLITICAL ACTION	91.50	\$0.10	\$9.15
EDUCATION & TRAINING	91.50	\$0.25	\$22.88
S.U.B.	158.00	\$0.40	\$63.20
DUES	158.00	\$1.25	\$197.50
INDUSTRY ADVANCEMENT	158.00	\$0.35	\$55.30
ANNUITY	91.50	\$10.05	\$919.58
LABOR MANAGEMENT	91.50	\$0.05	\$4.58
TARGET	91.50	\$1.25	\$114.38
			\$3,637.89



**WESTCHESTER TEAMSTERS LOCAL 456 BENEFIT FUNDS  
CLAIM WORKSHEET**

EMPLOYER : PCI INDUSTRIES INC.  
 EXAMINATION YEAR: 2022 GF  
 PERIOD: JULY 2022 -DECEMBER 2022

**SCHEDULE OF UNREPORTED HOURS :**

FUNDS	HOURS	RATE	AMOUNT DUE
PENSION	268.00	\$8.19	\$2,194.92
HEALTH & WELFARE	303.00	\$14.13	\$4,281.39
LEGAL	268.00	\$0.20	\$53.60
POLITICAL ACTION	268.00	\$0.10	\$26.80
EDUCATION & TRAINING	268.00	\$0.25	\$67.00
S.U.B.	417.00	\$0.75	\$312.75
DUES	417.00	\$2.25	\$938.25
INDUSTRY ADVANCEMENT	417.00	\$0.35	\$145.95
ANNUITY	268.00	\$10.55	\$2,827.40
LABOR MANAGEMENT	268.00	\$0.05	\$13.40
TARGET	268.00	\$1.50	\$402.00
			\$11,263.46

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WESTCHESTER TEAMSTERS LOCAL 456 BENEFIT FUNDS  
AGREED UPON PROCEDURES REPORT

EMPLOYER: PCI Industries Corp.  
ADDRESS: 550 Franklin Avenue  
Mt. Vernon, NY 10550  
PHONE #: 914-665-4700  
Contact Person: Peggie Hommel  
Shop # 31071

Exam Date: 3/21/2023  
Contract Type: GF  
Type of Payroll: In-House  
Report Date: 3/30/2023  
Examiner: Adam Novick  
Examination # 23-456-01

EXAMINATION PERIOD: 1/1/2023- 2/26/2023

FUNDS	BENEFITS DUE	ADDITIONAL FUNDS	BENEFITS DUE
PENSION	\$0.00	POLITICAL ACTION	\$0.00
HEALTH & WELFARE	\$141.30	INDUSTRY ADVANCEMENT	\$31.50
LEGAL	\$0.00	DUES	\$202.50
EDUCATION & TRAINING	\$0.00	LABOR MANAGEMENT	\$0.00
S.U.B.	\$67.50		
ANNUITY	\$0.00		
TARGET	\$0.00		
BENEFITS DUE SUBJECT TO INTEREST CHARGES	\$208.80		
		ADDITIONAL BENEFITS DUE**	\$234.00
SUBTOTAL	\$208.80		
ADDITIONAL BENEFITS DUE**	\$234.00		
TOTAL BENEFITS	\$442.80		
INTEREST @ 9.75% PER ANNUM :	\$ 3.55		
TOTAL BENEFITS PLUS INTEREST:	\$446.35		

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**WESTCHESTER TEAMSTERS LOCAL 456 BENEFIT FUNDS  
CLAIM WORKSHEET**

**EMPLOYER :** PCI INDUSTRIES INC.  
**EXAMINATION YEAR:** 2023 **GF**  
**PERIOD:** 1/1/2023- 2/26/2023

**SCHEDULE OF UNREPORTED HOURS :**

FUNDS	HOURS	RATE	AMOUNT DUE
PENSION	0.00	\$8.19	\$0.00
HEALTH & WELFARE	10.00	\$14.13	\$141.30
LEGAL	0.00	\$0.20	\$0.00
POLITICAL ACTION	0.00	\$0.10	\$0.00
EDUCATION & TRAINING	0.00	\$0.25	\$0.00
S.U.B.	90.00	\$0.75	\$67.50
DUES	90.00	\$2.25	\$202.50
INDUSTRY ADVANCEMENT	90.00	\$0.35	\$31.50
ANNUITY	0.00	\$10.55	\$0.00
LABOR MANAGEMENT	0.00	\$0.05	\$0.00
TARGET	0.00	\$1.50	\$0.00
			\$442.80





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**WESTCHESTER TEAMSTERS LOCAL 456 BENEFIT FUNDS  
AGREED UPON PROCEDURES REPORT**

EMPLOYER: PCI Industries Corp.  
 ADDRESS: 550 Franklin Avenue  
 Mt. Vernon, NY 10550  
 PHONE #: 914-665-4700  
 Contact Person: Peggie Hommel  
 Shop # 31001

Exam Date: 3/21/2023  
 Contract Type: Heavy Const.  
 Type of Payroll: In-House  
 Report Date: 3/30/2023  
 Examiner: Adam Novick  
 Examination # 23-456-01

**EXAMINATION PERIOD: 1/1/2021- 12/31/2021**

FUNDS	BENEFITS DUE	ADDITIONAL FUNDS	BENEFITS DUE
PENSION	\$2,171.15	POLITICAL ACTION	\$27.61
HEALTH & WELFARE	\$4,035.86	INDUSTRY ADVANCEMENT	\$109.52
LEGAL	\$52.71	DUES	\$388.30
EDUCATION & TRAINING	\$65.26	LABOR MANAGEMENT	\$12.55
S.U.B.	\$120.80		
ANNUITY	\$2,639.79		
TARGET	<u>\$313.72</u>		
BENEFITS DUE SUBJECT TO INTEREST CHARGES	\$9,399.29		
		ADDITIONAL BENEFITS DUE**	<u>\$537.98</u>
SUBTOTAL	<u>\$9,399.29</u>		
ADDITIONAL BENEFITS DUE**	\$537.98		
TOTAL BENEFITS	<b>\$9,937.27</b>		
INTEREST @ 9.75% PER ANNUM :	\$ 1,272.04		
TOTAL BENEFITS & INTEREST:	<b><u>\$11,209.31</u></b>		

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**WESTCHESTER TEAMSTERS LOCAL 456 BENEFIT FUNDS  
CLAIM WORKSHEET**

**EMPLOYER :** PCI INDUSTRIES INC.  
**EXAMINATION YEAR:** 2021 **HEAVY CONSTRUCTION**  
**PERIOD:** JAN-JUNE 2021

**SCHEDULE OF UNREPORTED HOURS :**

FUNDS	HOURS	RATE	AMOUNT DUE
PENSION	22.00	\$8.65	\$190.30
HEALTH & WELFARE	22.00	\$14.92	\$328.24
LEGAL	22.00	\$0.21	\$4.62
POLITICAL ACTION	22.00	\$0.11	\$2.42
EDUCATION & TRAINING	22.00	\$0.26	\$5.72
S.U.B.	22.00	\$0.26	\$5.72
DUES	22.00	\$1.21	\$26.62
INDUSTRY ADVANCEMENT	22.00	\$0.37	\$8.14
ANNUITY	22.00	\$9.55	\$210.10
LABOR MANAGEMENT	22.00	\$0.05	\$1.10
TARGET	22.00	\$0.52	\$11.44
			<u>\$794.42</u>

**WESTCHESTER TEAMSTERS LOCAL 456 BENEFIT FUNDS  
CLAIM WORKSHEET**

**EMPLOYER :** PCI INDUSTRIES INC.  
**EXAMINATION YEAR:** :2021 **HEAVY CONSTRUCTION**  
**PERIOD:** JULY -DECEMBER 2021

**SCHEDULE OF UNREPORTED HOURS :**

FUNDS	HOURS	RATE	AMOUNT DUE
PENSION	229.00	\$8.65	\$1,980.85
HEALTH & WELFARE	248.50	\$14.92	\$3,707.62
LEGAL	229.00	\$0.21	\$48.09
POLITICAL ACTION	229.00	\$0.11	\$25.19
EDUCATION & TRAINING	229.00	\$0.26	\$59.54
S.U.B.	274.00	\$0.42	\$115.08
DUES	274.00	\$1.32	\$361.68
INDUSTRY ADVANCEMENT	274.00	\$0.37	\$101.38
ANNUITY	229.00	\$10.61	\$2,429.69
LABOR MANAGEMENT	229.00	\$0.05	\$11.45
TARGET	229.00	\$1.32	\$302.28
			<u>\$9,142.85</u>



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**WESTCHESTER TEAMSTERS LOCAL 456 BENEFIT FUNDS  
AGREED UPON PROCEDURES REPORT**

EMPLOYER: PCI Industries Corp.  
ADDRESS: 550 Franklin Avenue  
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PHONE #: 914-665-4700  
Contact Person: Peggie Hommel  
Shop # 31001

Exam Date: 3/21/2023  
Contract Type: Heavy Const.  
Type of Payroll: In-House  
Report Date: 3/30/2023  
Examiner: Adam Novick  
Examination # 23-456-01

**EXAMINATION PERIOD: 1/1/2022- 12/31/2022**

FUNDS	BENEFITS DUE	ADDITIONAL FUNDS	BENEFITS DUE
PENSION	\$8,879.23	POLITICAL ACTION	\$112.92
HEALTH & WELFARE	\$16,053.92	INDUSTRY ADVANCEMENT	\$406.45
LEGAL	\$215.57	DUES	\$2,468.15
EDUCATION & TRAINING	\$266.89	LABOR MANAGEMENT	\$51.33
S.U.B.	\$816.76		
ANNUITY	\$11,364.19		
TARGET	<u>\$1,587.03</u>		
BENEFITS DUE SUBJECT TO INTEREST CHARGES	\$39,183.58		
		ADDITIONAL BENEFITS DUE**	<u>\$3,038.84</u>
SUBTOTAL	<u>\$39,183.58</u>		
ADDITIONAL BENEFITS DUE**	\$3,038.64		
TOTAL BENEFITS	\$42,222.41		
INTEREST @ 9.75% PER ANNUM :	\$ 1,263.56		
TOTAL BENEFITS & INTEREST:	<u><u>\$43,485.97</u></u>		

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T 516.364.3390  
T 212.302.6000

**WESTCHESTER TEAMSTERS LOCAL 456 BENEFIT FUNDS  
CLAIM WORKSHEET**

**EMPLOYER :** PCI INDUSTRIES INC.  
**EXAMINATION YEAR:** 2022 **HEAVY CONSTRUCTION**  
**PERIOD:** JANUARY 2022 -JUNE 2022

**SCHEDULE OF UNREPORTED HOURS :**

<u>FUNDS</u>	<u>HOURS</u>	<u>RATE</u>	<u>AMOUNT DUE</u>
PENSION	134.00	\$8.65	\$1,159.10
HEALTH & WELFARE	136.00	\$14.92	\$2,029.12
LEGAL	134.00	\$0.21	\$28.14
POLITICAL ACTION	134.00	\$0.11	\$14.74
EDUCATION & TRAINING	134.00	\$0.26	\$34.84
S.U.B.	138.00	\$0.42	\$57.96
DUES	138.00	\$1.32	\$182.16
INDUSTRY ADVANCEMENT	138.00	\$0.37	\$51.06
ANNUITY	134.00	\$10.61	\$1,421.74
LABOR MANAGEMENT	134.00	\$0.05	\$6.70
TARGET	134.00	\$1.32	\$176.88
			<u>\$5,162.44</u>

**WESTCHESTER TEAMSTERS LOCAL 456 BENEFIT FUNDS  
CLAIM WORKSHEET**

**EMPLOYER :** PCI INDUSTRIES INC.  
**EXAMINATION YEAR:** 2022 **HEAVY CONSTRUCTION**  
**PERIOD:** JULY 2022 -DECEMBER 2022

**SCHEDULE OF UNREPORTED HOURS :**

FUNDS	HOURS	RATE	AMOUNT DUE
PENSION	892.50	\$8.65	\$7,720.13
HEALTH & WELFARE	940.00	\$14.92	\$14,024.80
LEGAL	892.50	\$0.21	\$187.43
POLITICAL ACTION	892.50	\$0.11	\$98.18
EDUCATION & TRAINING	892.50	\$0.26	\$232.05
S.U.B.	960.50	\$0.79	\$758.80
DUES	960.50	\$2.38	\$2,285.99
INDUSTRY ADVANCEMENT	960.50	\$0.37	\$355.39
ANNUITY	892.50	\$11.14	\$9,942.45
LABOR MANAGEMENT	892.50	\$0.05	\$44.63
TARGET	892.50	\$1.58	\$1,410.15
			<u>\$37,059.97</u>

WAGNER & ZWERMANN LLP  
A Division of  
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ACCOUNTING | TAX | CONSULTING

WESTCHESTER TEAMSTERS LOCAL 456 BENEFIT FUNDS  
AGREED UPON PROCEDURES REPORT

EMPLOYER: PCI Industries Corp.  
ADDRESS: 550 Franklin Avenue  
Mt. Vernon, NY 10550  
PHONE #: 914-665-4700  
Contact Person: Peggie Hommel  
Shop # 31001

Exam Date: 3/21/2023  
Contract Type: Heavy Const.  
Type of Payroll: In-House  
Report Date: 3/30/2023  
Examiner: Adam Novick  
Examination # 23-456-01

EXAMINATION PERIOD: 1/1/2023- 2/26/2023

FUNDS	BENEFITS DUE	ADDITIONAL FUNDS	BENEFITS DUE
PENSION	\$155.70	POLITICAL ACTION	\$1.98
HEALTH & WELFARE	\$298.40	INDUSTRY ADVANCEMENT	\$7.77
LEGAL	\$3.78	DUES	\$49.98
EDUCATION & TRAINING	\$4.68	LABOR MANAGEMENT	\$0.90
S.U.B.	\$16.59		
ANNUITY	\$200.52		
TARGET	\$28.44		
BENEFITS DUE SUBJECT TO INTEREST CHARGES	\$708.11		
		ADDITIONAL BENEFITS DUE**	\$80.63
SUBTOTAL	\$708.11		
ADDITIONAL BENEFITS DUE**	\$60.63		
TOTAL BENEFITS	\$768.74		
INTEREST @ 9.75% PER ANNUM :	\$ 5.67		
TOTAL BENEFITS & INTEREST:	\$774.41		

GETTRY MARCUS CPA, P.C.  
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T 212.302.6000



**WESTCHESTER TEAMSTERS LOCAL 456 BENEFIT FUNDS  
CLAIM WORKSHEET**

**EMPLOYER :** PCI INDUSTRIES INC.  
**EXAMINATION YEAR:** 2023 **HEAVY CONSTRUCTION**  
**PERIOD:** JANUARY 2023 -FEBRUARY 2023

**SCHEDULE OF UNREPORTED HOURS :**

FUNDS	HOURS	RATE	AMOUNT DUE
PENSION	18.00	\$8.65	\$155.70
HEALTH & WELFARE	20.00	\$14.92	\$298.40
LEGAL	18.00	\$0.21	\$3.78
POLITICAL ACTION	18.00	\$0.11	\$1.98
EDUCATION & TRAINING	18.00	\$0.26	\$4.68
S.U.B.	21.00	\$0.79	\$16.59
DUES	21.00	\$2.38	\$49.98
INDUSTRY ADVANCEMENT	21.00	\$0.37	\$7.77
ANNUITY	18.00	\$11.14	\$200.52
LABOR MANAGEMENT	18.00	\$0.05	\$0.90
TARGET	18.00	\$1.58	\$28.44
			\$768.74